

Department of Fish and Game Presentation for December 13, 2007 Meeting of the Monterey Bay National Marine Sanctuary Advisory Council

Question to be addressed: **Are additional MPAs needed in the federal waters portion of the Sanctuary in order to achieve the goals identified by the MPA working group as related to conservation, education, research social issues, and compatible uses?**

The Department could support a limited number of marine protected areas strategically chosen to encompass a cross-section of deeper habitats in federal waters to help protect areas not otherwise afforded protection, either for their intrinsic value or, more importantly, to provide reference areas with which to evaluate how fisheries are managed in adjacent and more distant fished areas. This ability to assess management outside MPAs is the primary need that federal water MPAs would address, in our view.

In general, the Department recommends that any MPAs which are established in federal waters should focus on the protection of benthic species, and be the equivalent of State Marine Conservation Areas which would allow pelagic fisheries to continue. The pelagic species typically harvested in offshore waters are usually migratory or highly mobile and do not respond well to the benefits which MPAs afford more sedentary species. A precedent has been set for vertically zoned MPAs with the regulations established for the Davidson Seamount as well as for State Marine Conservation Areas deeper than 50 meters adopted in the Marine Life Protection Act process. For MPAs that are intended to provide full ecosystem protection while serving as reference sites, full no-take restrictions may be appropriate in a few locations.

Many of the MPAs within the state waters of the Sanctuary which were recently adopted by the Fish and Game Commission may already meet the conservation, education, and research goals of the MPA working group. While the Department recognizes that Sanctuary waters overlap State waters to the tide line, we would only support any additional MPAs under federal jurisdiction in areas outside the State jurisdictional boundaries. For these MPAs in deeper waters and/or more distant from shore, attaining the conservation, education, and research goals is more problematic due to the logistics of documenting the habitats and resources, and monitoring them on a long-term basis.

Part of the determination of a need for federal waters MPAs should include a discussion of whether existing fisheries management already provides adequate protection to the species or habitats in question. There is a significant gray area in distinguishing what can be considered as primarily fishery management from what can be considered as primarily ecosystem protection. The Marine Life Management Act made the first attempt at bridging the two by incorporating the concept of ecosystem protection into that of fisheries management. In the last five years, California has seen a major adjustment in trying to match the quality

and quantity of our harvestable marine resources with that of the potential recreational and commercial fishing effort. We have seen the conversion of significant open access fisheries into restricted- access fisheries, the buyout of federal groundfish trawl permits, the establishment of more restrictive quotas for some groundfish fisheries, the unprecedented depth and seasonal closures for commercial and recreational groundfish fisheries, and, of course, the beginning of a creation of a statewide network of MPAs through the MLPA.

The Sanctuary's MPA working group had many discussions about whether or not certain fishing regulatory measures, such as the Rockfish Conservation Areas (RCAs), are in fact additional MPAs. The Department equates the RCAs more to seasonal, albeit long-term, closures rather than MPAs because the element of intended permanence is lacking, and because once the RCAs have achieved their goal in allowing overfished populations to rebuild, the RCAs should be eliminated.

With all of the above considerations; are additional MPAs needed in federal waters to provide more protection to fishes and invertebrates and their habitats? While the Department will defer to the various federal agencies with authority for marine resource management for this answer, it is our feeling that if additional MPAs are to be created, they should not be done so in the guise of managing fisheries. Finally, given that the MLPA Science Advisory Team recommends that MPAs should extend into deeper water, the Department believes that, if there is to be a federal MPA process in Monterey Bay National Marine Sanctuary waters, it should consider the benefits of federal MPAs being established adjacent to existing state MPAs.